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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

CAROLINE BRABROOK,

Plaintiff,

NO.

v.

COMPLAINT FOR DAMAGES
AND OTHER RELIEF

CDM SMITH, DOUGLAS A. LAVOIE, and
DANIEL MANOJLOVSKI, individually and
as its agents,

Defendants.

INTRODUCTION

This action is brought pursuant to common law to redress acts of sex discrimination and retaliation in violation of the Washington Law Against Discrimination, RCW 49.60. Plaintiff seeks lost pay, benefits and employment opportunities, emotional distress damages, attorneys' fees and costs, injunctive and other relief.

I. JURISDICTION AND VENUE

1. Defendant CDM Smith ("Defendant Company" or "CDM") does business in King County, Washington. Plaintiff resides in King County, and her workplace where the acts complained herein occurred is in King County.

2. This court has jurisdiction pursuant to Washington common law.

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II. PARTIES

3. Plaintiff Caroline Brabrook is a single woman residing in Sammamish, Washington. Since March 21, 2022, she was employed by Defendant CDM as its Sales Leader and Client Service Leader for Sales and Engineering. When she was hired, she notified her supervisor, Jim Riley, that she was going through a contested divorce, had custody of her children and would be unable to travel for work for long periods of time. Mr. Riley was terminated on the Plaintiff's first day of work, 3/21/22, unrelated to Plaintiff's hiring, and was replaced by Defendant Douglas A. Lavoie.

4. Defendant CDM Smith is a construction and engineering corporation organized and existing under the laws of the State of Massachusetts, with its corporate headquarters in Boston, Massachusetts. It employs more than eight employees. CDM Smith does business in the State of Washington and has an office in Bellevue, Washington.

5. Defendant Douglas A. Lavoie is employed by CDM as Director of Transportation and supervised Plaintiff until replaced by Defendant Daniel Manojlovski, CDM's West Area Leader, who became Plaintiff's supervisor.

III. STATEMENT OF CLAIMS

6. Notwithstanding Plaintiff's notice to CDM that her ability to travel was limited during the pendency of her divorce proceedings, Defendant Lavoie accused her of not being able to do her job because she could not travel on short notice and did not meet with enough clients, and he demoted her. The demotion adversely affected her opportunity to receive a bonus and salary increases.

1 7. Plaintiff then complained to CDM's Human Resources Department about her
2 discriminatory demotion.

3
4 8. Thereafter, her new supervisor, Defendant Manojlovski, who had been informed of
5 Plaintiff's complaint to Human Resources, yelled at her, demeaned her in front of her
6 colleagues, exiled her from meetings important to her job, repeatedly changed the provisions of
7 her job description to make it appear that she was not performing essential functions of her job,
8 and on August 30, 2023, placed her on an unjustified performance improvement plan.

9
10 8. *Inter alia*, the performance plan required Plaintiff to make regular reports, which she
11 routinely submitted in accordance with the plan.

12 9. On October 4, 2023, Plaintiff notified CDM that she intended to file a lawsuit against it
13 and her supervisors for sex discrimination and retaliation and began discussion of a possible
14 resolution. Discussions were still on-going on October 27, 2023.

15
16 10. On October 27, 2023, Defendant Company terminated Plaintiff, allegedly for failing to
17 meet her sales goals and his belief that she could not execute the performance improvement
18 plan. At least one comparable male employee who never met his sales goals had never been
19 placed on a performance plan or otherwise been disciplined for failure to meet his sales goals.
20 At the time of, and before her termination, Plaintiff had been complying with her performance
21 plan.
22

23 11. By these acts and conduct, Defendant Company and Defendants Lavoie and
24 Manojlovski have inflicted severe economic and emotional damage upon Plaintiff.

25
26
COUNT I – SEX DISCRIMINATION

1 By these and other acts, Defendants have discriminated against Plaintiff on the basis of
2 sex, in violation of RCW 49.60.180.

3
4 COUNT II – RETALIATION

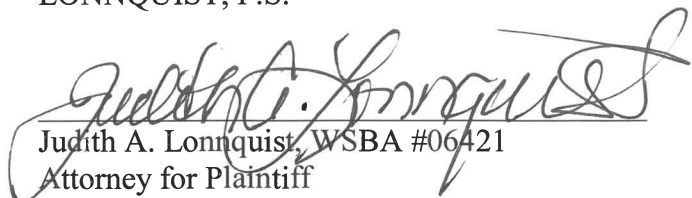
5 By these and other acts, Defendants have retaliated against Plaintiff, in violation of
6 RCW 49.60.210.

7 WHEREFORE, Plaintiff respectfully requests the following relief:

- 8 A. Back pay, bonuses, and other economic damages;
9 B. Emotional distress damages;
10 C. Pre-judgment interest;
11 D. Reasonable attorney's fees and litigation expenses pursuant to RCW 49.48.030;
12 E. Injunctive relief;
13 F. Tax relief;
14 G. Costs;
15 H. Such other relief as the Court deems appropriate.
16

17
18 Dated this 30th day of November, 2023.

19
20 LAW OFFICES OF JUDITH A.
LONNQUIST, P.S.

21
22 
23 Judith A. Lonnquist, WSBA #06421
Attorney for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR COUNTY OF PIERCE

CAROLINE BRABROOK,

NO.

Plaintiff,

v.

SUMMONS [20 days]

CDM SMITH, DOUGLAS A. LAVOIE, and
DANIEL MANOJLOVSKI, individually and
as its agents,

TO DEFENDANT: CT CORPORATION SYSTEM, AGENT FOR CDM SMITH
711 CAPITOL WAY S STE 204,
OLYMPIA, WA, 98501-1267,
UNITED STATES

A lawsuit has been started against CDM Smith in the above-entitled court by Caroline Brabrook, Plaintiff. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the person signing this summons within twenty (20) days after the service of this summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where Plaintiff is entitled to what she

1 asks for because you have not responded. If you serve a notice of appearance on the undersigned
2 person, you are entitled to notice before a default judgment may be entered.

3 You may demand that the Plaintiff file this lawsuit with the court. If you do so, the demand
4 must be in writing and must be served upon the person signing this summons. Within fourteen (14)
5 days after you serve the demand, the Plaintiff must file this lawsuit with the court, or the service on
6 you of this summons and complaint will be void.

7
8 If you wish to seek the advice of any attorney in this matter, you should do so promptly so
9 that your written response, if any, may be served on time.

10 This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State of
11 Washington.

12 DATED this 30th day of October, 2023.

13
14 LAW OFFICES OF
JUDITH A. LONNQUIST, P.S.

15
16 
17 Judith A. Lonnquist, WSBA #06421
18 Attorney for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR KING COUNTY

CAROLINE BRABROOK,

Plaintiff,

v.

CDM SMITH, DOUGLAS A. LAVOIE, and
DANIEL MANOJLOVSKI, individually and
as its agents,

Defendants.

NO.

PLAINTIFF'S FIRST
INTERROGATORIES AND
REQUESTS FOR PRODUCTION OF
DOCUMENTS TO DEFENDANT
CDM SMITH

TO: Defendant CDM SMITH

AND TO: Attorneys for Defendant CDM Smith

Pursuant to Rules 26, 33, 34 and 37 of the Civil Rules for Superior Court for the State of Washington, the following Interrogatories and Requests for Production are propounded by Plaintiff upon Defendant CDM Smith.

The Interrogatories and Requests for Production set forth below are to be answered fully and separately in writing, under oath, and in accordance with the above-cited rules. Defendant shall serve a copy of its answers and responses to these Interrogatories and Requests for Production on the attorneys for the Plaintiff within forty (40) days hereof.

I. PRELIMINARY STATEMENT

A. In answering these Interrogatories and Requests for Production, you are required to furnish all non-privileged information available to you, including information in the possession of your agents, investigators, representatives, attorneys, and any other person or persons acting on their behalf.

B. If you cannot answer any of the following Interrogatories and Requests for Production in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specify your inability to answer the remainder, and state whatever information or knowledge you have concerning the unanswered portion.

C. Each Interrogatory and Request for Production is intended to and does request that each and every part be answered with the same force and effect as if such part were the subject of and were asked by a separate Interrogatory or Request for Production.

D. Each Interrogatory and Request for Production not only calls for the knowledge of Defendant, but also for all non-privileged information available to the Defendant by reasonable inquiry, including inquiry of its representatives, agents and attorneys.

E. If, in responding to or failing to respond to these Interrogatories and Requests for Production, you invoke or rely upon privilege of any kind, or otherwise object, state the nature of the privilege or objection, the basis upon which you invoke, rely or claim it, including statutory or decisional reference, and identify all documents or other information, including contacts and communications which you believe to be embraced by the privilege or objection invoked.

F. Should you refuse to produce any document called for by these Interrogatories and Requests for Production on the grounds of privilege or objection, state for each such document:

(a) the grounds on which the claim of privilege or objection is based;

- 1 (b) the type of communication or document (e.g., letter, memorandum, contract);
- 2 (c) the date of the communication or document;
- 3 (d) the general subject matter of the communication or document;
- 4 (e) the name, address, and position of the persons who prepared the document and of any
- 5 person who assisted in its preparation;
- 6 (f) the name, address, and position of each addressee or recipient of the document or any
- 7 copies of it;
- 8 (g) the present location of the document and the name, address, and position of the person
- 9 having custody of it; and
- 10 (h) all other information necessary to identify the document with sufficient particularity to
- 11 meet the requirements for its inclusion in a motion for production pursuant to CR 37.
- 12
- 13

14 G. In answering these Interrogatories and Requests for Production, the following
15 instructions and definitions apply:

16 1. “Defendant” or “you” includes any and all agents, representatives, attorneys,
17 etc., of Defendant CDM Smith, and having knowledge of any of the matters raised herein.

18 2. When any document must be “identified,” it shall be identified by date, author,
19 addressee, title, subject, title of document (contract, memorandum, letter, or other
20 identifying designation), number, and physical location. As to each such document, the
21 address of the present location of such writing, and the name and address of the present
22 custodian thereof, are also requested. In any case, the description must be sufficient to
23 support a Request for Production.

24 3. “Document” shall be construed in its broadest sense, and includes any original,
25 reproduction, or non-identical copy of any kind of written or documentary material, or
26

1 drafts thereof, including, but not limited to, correspondence, memoranda, inter-Office
2 communications, e-mails, computer records, books, notes, diaries, contract documents,
3 publications, pamphlets, calculations, computer-generated material, estimates, minutes of
4 meetings, messages, reports, photographs, voice tapes, telegrams, notes of telephone
5 conversations, notes of any oral communication, invoices, logs, and any and all other
6 electronic, printed, typed, written, taped, filmed, punched or graphic matter, however
7 produced or reproduced.
8

9 4. Whenever any person must be “identified”, the person shall be identified by
10 her or his full name, last known home address and telephone number, employer and
11 business telephone number, and job title.
12

13 5. The term “and,” when used alone, includes both disjunctive and conjunctive
14 meanings, and is equivalent to “and/or.”
15

16 6. Any other words used herein shall be defined according to standard American
17 usage, as shown in the dictionary of English language.
18

19 H. These Interrogatories and Requests for Production are continuing, and therefore
20 require supplemental answers and responses if you or your attorneys obtain further information
21 between the time answers and responses are served and the time of trial. You are hereby notified
22 that the undersigned may apply to the court for an order directing that these Interrogatories and
23 Requests for Production be deemed continuing; that upon acquiring any responsive information
24 after your service of answers/responses, you be required to serve supplemental answers/responses
25 containing such later acquired information; and that you be precluded at the trial of this action
26 from introducing evidence relating to the subject matter of these Interrogatories and Requests for
Production which has not been disclosed by the answers/responses or supplemental

1 answers/responses thereto.

2 **INTERROGATORIES**

3 **INTERROGATORY NO. 1:** Identify each person, by name, position title and contact
4 information, who contributed in any manner to the answers and responses to these Interrogatories
5 and Requests for Production.
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7 **ANSWER:**

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11 **INTERROGATORY NO. 2:** Please state the title of the position Ms. Brabrook held
12 with CDM Smith, her hire date, the length of time she held the position, her wages and other
13 monetary benefits, and any changes in her job title or duties during her tenure.

14 **ANSWER:**

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19 **INTERROGATORY NO. 3:** Please list and describe with particularity any
20 deficiencies in Ms. Brabrook's performance, the specific nature of the deficiencies, how those
21 deficiencies came to the attention of a superior, whether any corrective action or reprimand was
22 made and whether that action or reprimand was verbal or written.
23

24 **ANSWER:**

1 **INTERROGATORY NO. 4:** Please describe with particularity the process for hiring
2 Plaintiff, including written submissions required, interview/s, and background checks
3 conducted.

4 **ANSWER:**
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8 **INTERROGATORY NO. 5:** Please identify the date Defendant Douglas A. LaVoie
9 was hired, the party/s to whom he submitted his application materials, the party/s who
10 interviewed Mr. LaVoie and the party who made the ultimate decision to hire him.
11

12 **ANSWER:**
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15 **INTERROGATORY NO. 6:** Please identify the date Defendant Daniel Manojlovski
16 was hired, the party/s to whom he submitted his application materials, the party/s who
17 interviewed Mr. Manojlovski and the party who made the ultimate decision to hire him.
18

19 **ANSWER:**
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22 **INTERROGATORY NO. 7:** Please describe in detail the nature and scope of
23 Defendant CDM Smith's business in Washington State.
24

25 **ANSWER:**
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2 **INTERROGATORY NO. 8:** Please identify who made the decision to discharge

3 James Riley and the reason for his discharge.
4

5 **ANSWER:**
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8 **INTERROGATORY NO. 9:** Please identify any and all complaints (formal and
9 informal) made lodged with Defendant CDM Smith in any form including oral, written, or
10 otherwise submitted and to whom these complaints were made, by whom, and the nature of the
11 complaint, regarding the following:
12

- 13 a) Douglas A. LaVoie;
14 b) Daniel Manojlovshi;
15 c) James Riley.

16 **ANSWER:**
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21 **INTERROGATORY NO. 10:** Please identify any and all investigations in which any
22 of the foregoing individuals were the subject or otherwise involved, the subject matter of the
23 investigations, all involved parties including the investigator/s, and the outcome of the
24 investigation/s.
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1 **ANSWER:**

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5 **INTERROGATORY NO. 11:** Please identify any corrective or remedial action taken
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7 against any of the foregoing individuals, including all verbal reprimands, written corrective
8 actions, and/or any other action that could be considered an adverse employment action
9 including the specific date and reason for the action.

10 **ANSWER:**

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13 **INTERROGATORY NO. 12:** Identify with particularity Defendant CDM Smith's
14 requirements for the position of Sales Leader and Client Service Leader for Sales and Engineering.
15 This should include the specific skills and experience required for the position, any examinations
16 (whether psychological or otherwise that must be completed) and any unacceptable previous
17 conduct that would preclude employment in this position.
18

19 **ANSWER:**

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22 **INTERROGATORY NO. 13:** State with specificity CDM Smith's policy regarding
23 harassment and other inappropriate behavior or verbiage towards employees. This description
24 should include any statement of the policy, description of materials in which the policy is
25 contained, and any training provided on the subject matter.
26

1 **ANSWER:**

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4 **INTERROGATORY NO. 14:** Explain with particularity how CDM Smith
5 investigates claims of workplace harassment and retaliation and the standards by which such
6 claims are evaluated.
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8 **ANSWER:**

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12 **INTERROGATORY NO. 15:** Please identify Defendant CDM Smith's employment
13 liability insurance carrier and the limits of such policy.
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15 **ANSWER:**

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19 **INTERROGATORY NO. 16:** Please identify each person whom Defendant CDM
20 Smith expects to call as an expert witness at trial, stating the subject matter upon which the
21 expert is expected to testify, the substance of the facts and opinions to which the expert is
22 expected to testify, and a summary of the grounds for each opinion.
23

24 **ANSWER:**

ANSWER:

REQUEST FOR PRODUCTION NO. 1: Produce all employment records and personnel files that relate to the employment of Plaintiff Caroline Brabrook. Your response include any and all performance evaluation documents, performance improvement plans, disciplinary records, reprimands, commendations or other documents that may have otherwise referenced in your responses to the Interrogatories above.

REQUEST FOR PRODUCTION NO. 2: Produce any supervisory files, notes, logs, reports and other documents that Plaintiff's managers or supervisors may have maintained on Plaintiff, or that may be maintained in the personnel file of Plaintiff, from the official personnel file of Plaintiff.

LAW OFFICES OF
JUDITH A. LONNQUIST, P.S.
100 W. HARRISON ST., SOUTH TOWER, SUITE 470
SEATTLE, WA 98119
TEL 206.622.2086 FAX 206.233.9165

1 **REQUEST FOR PRODUCTION NO. 3:** Please produce any materials, not otherwise
2 provided, than pertain to Plaintiff's job performance as discussed in Interrogatory No. 3.

3 **RESPONSE:**
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7 **REQUEST FOR PRODUCTION NO. 4:** Please produce all materials utilized in the
8 hiring process including applications, background check clearances and any other materials
9 required to process the Plaintiff's application for employment with CDM Smith.

10 **RESPONSE:**
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14 **REQUEST FOR PRODUCTION NO. 6:** Produce all training manuals, checklists, or
15 other materials used during training of new employees in supervisory positions.

16 **RESPONSE:**
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20 **REQUEST FOR PRODUCTION NO. 7:** Produce all CDM Smith's policy manuals,
21 employee handbooks or workplace guidelines regarding workplace harassment and/or retaliation.

22 **RESPONSE:**
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1 **REQUEST FOR PRODUCTION NO. 8:** Produce all emails, correspondence,
2 memoranda, notes, recordings, meeting invitations, agendas or other documents regarding
3 complaints made about any of the individuals listed in Interrogatory No. 9.

4 **RESPONSE:**

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8 **REQUEST FOR PRODUCTION NO. 10:** Please produce any and all materials
9 relating to any investigations conducted involving the individuals listed in Interrogatory No. 9.
10 This request should include all formal and informal notes, all email correspondence, all written
11 materials and drafts of written materials prepared in relation in any way to investigations regarding
12 the individual's work performance and complaints made against any of them at any time during
13 their employment.

14 **RESPONSE:**

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18 **REQUEST FOR PRODUCTION NO. 11:** Produce all emails, correspondence,
19 memoranda, notes, recordings, meeting invitations, agendas and other documents that relate
20 specifically to Ms. Brabrook in any manner.

21 **RESPONSE:**

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2 **REQUEST FOR PRODUCTION NO. 13:** Please produce all materials describing the
3 positions held by the individuals listed in Interrogatory No. 9, including wage and benefit
4 ranges, job requirements, expectations, and prohibited actions.
5

6 **RESPONSE:**
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9 **REQUEST FOR PRODUCTION NO. 14:** Please provide any materials containing or
10 discussing Defendant's Workplace Harassment and Retaliation policy including Handbooks,
11 Policy Manuals, Training Materials, Memorandums, or notes taken in the creation of these
12 materials.
13

14 **RESPONSE:**
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17 **REQUEST FOR PRODUCTION NO. 15:**
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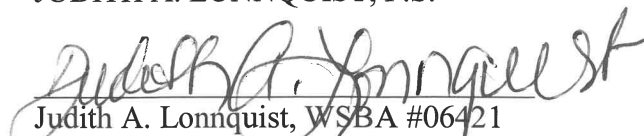
19 With respect to any expert Defendant CDM Smith intends to retain in this matter,
20 produce the following for each expert:

- 21 a.) A curriculum vitae;
22 b.) Any and all documents, data, or correspondence sent to or received from said
23 expert; and
24 c.) Any and all reports prepared by the expert.

25 **RESPONSE:**
26

1
2 DATED this 30th day of November, 2023.
3

4 LAW OFFICES OF
5 JUDITH A. LONNQUIST, P.S.

6 
7 Judith A. Lonnquist, WSBA #06421
8 Attorney for Plaintiff
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VERIFICATION

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

_____, being first duly sworn, upon oath states as follows:

I am the _____ in the foregoing action; I have read the foregoing
Answers and Responses to Plaintiff's First Interrogatories and Requests for Production to
Defendant CDM Smith, know the contents thereof, and believe the same to be true and correct.

SIGNED AND AFFIRMED before me on the ____ day of _____, 2023,
by _____.

[printed name]
NOTARY PUBLIC in and for the State of
Washington, residing at

My Commission expires: _____

CERTIFICATION

The undersigned attorney for Defendant CDM Smith has read the foregoing Answers and Responses to Plaintiff's First Interrogatories and Requests for Production to Defendant and certifies that they are in compliance with CR 26(g).

Dated this ____ day of _____, 2023.

Attorney for Defendant

LAW OFFICES OF
JUDITH A. LONNQUIST, P.S.
100 W. HARRISON ST., SOUTH TOWER, SUITE 470
SEATTLE, WA 98119
TEL: 206-622-2086 FAX: 206-233-9165

CERTIFICATE OF SERVICE

I, Kristin LeCLaire, an employee of the Law Offices of Judith A. Lonnquist, P.S., declare under penalty of perjury that on the date below, I caused to be served upon the below-listed parties, via the method of service listed below, a true and correct copy of the foregoing document.

Party	Method of Service
CT Corporation System, Agent for CDM Smith 711 Capitol Way S. Suite 204 Olympia, WA 98501-1267	<input type="checkbox"/> Hand Delivery
	<input checked="" type="checkbox"/> Legal Messenger
	<input type="checkbox"/> Regular Mail
	<input type="checkbox"/> E-served by Court
	<input type="checkbox"/> E-Mail
	<input type="checkbox"/> Hand Delivery
	<input type="checkbox"/> Legal Messenger
	<input type="checkbox"/> Regular Mail
	<input type="checkbox"/> E-served by Court
	<input type="checkbox"/> E-Mail

Dated: November 30, 2023